

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a bill which would abolish the death penalty in Nebraska and replace it with a life sentence and a minimum of 30 years which must be served prior to a person being eligible for parole. Currently, anybody convicted of first degree murder in Nebraska who is not executed serves between 17 1/2 to 18 years, so this increases that sentence by about 12 years. The death penalty has always been, from its inception, an unfair and arbitrarily applied punishment. When you have a situation where conduct has been criminalized and you enact a law that establishes a punishment and the vast majority of those who are eligible for the punishment are not made subject to it, then you have a punishment which is not valid. It is morally indefensible. It is legally illogical. In Nebraska, since the death penalty was reinstated in 1976 after it had been abolished by the U.S. Supreme Court, there were over a hundred homicides committed, well over a hundred. This sheaf of papers represents, each sheet, a homicide of a criminal nature committed in Nebraska. There is nothing of substance to distinguish the crime of the few who are on death row from that of the many who are not on death row. So the vast majority of murderers in this state were not subjected to the death penalty and will be returned to the streets of the cities of Nebraska. And for your information, and this is based on statistics from the Department of Corrections, no person in Nebraska who has been convicted of first degree murder and paroled has ever been returned to the prison for any reason. Now, in Lincoln not too long ago, a few months ago, there was a case involving a man named Rolenc and he wanted his wife murdered, so he wanted to contract to have it done. Let's say that the one who wanted the job done is Mr. A. The one he talked to about doing it was Mr. B. Mr. B could not bring himself to do it so he talked to Mr. C. While they were riding in the car Mr. C from the back seat strangled the wife to death. When the case went to trial the prosecutor, the one who upholds the law and seeks specific punishment, Senator Hefner, made a deal so that Mr. A, who wanted the murder done, would not get the death penalty and with Mr. C, who committed the murder, so that he would not get the death penalty. Then Mr. B, the man in the middle who neither contracted to have it done nor was involved, the prosecutor sought the death penalty for him. The presiding judge was named Blue and at the sentencing this is what he said to the prosecutor. "While this is a heartless crime, a